



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR TREATING ASTHMA USING OPTICALLY PURE R(-)

ALBUTEROL

the specification of which (check one)

is attached hereto.

was filed on January 5, 1990 as Application Serial No. 07/461,262 (if applicable). and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority
Claimed

(Number) (Country) (Day/Month/Year filed)

Yes No

(Number) (Country) (Day/Month/Year filed)

Yes No

(Number) (Country) (Day/Month/Year filed)

Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing date) (Status, patented,
pending, abandoned)

(Application Serial No.) (Filing date) (Status, patented,
pending, abandoned)

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the following attorney(s) and/or agent(s) to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states.

30

David E. Brook	Registration No. <u>22,592</u>
James M. Smith	Registration No. <u>28,043</u>
Leo R. Reynolds	Registration No. <u>20,884</u>
Giulio A. DeConti, Jr.	Registration No. <u>31,503</u>
Richard A. Wise	Registration No. <u>18,041</u>
Patricia Granahan	Registration No. <u>32,227</u>
Mary Lou Wakimura	Registration No. <u>31,804</u>
Thomas O. Hoover	Registration No. <u>32,470</u>
Paula A. Campbell	Registration No. <u>32,503</u>
Alice C. Olek	Registration No. <u>33,542</u>

all of Hamilton, Brook, Smith and Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02173;

and

601

605 Send correspondence to: Patricia Granahan, Esq.
901 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
Two Militia Drive, Lexington, Massachusetts 02173

70 Direct telephone calls to: Patricia Granahan, Esq.

617-861-6240

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor, if any *401-PP* Timothy J. Barberich
or first inventor _____
Inventor's Signature *Timothy J. Barberich* Date 2/28/90
Residence 73 Nashoba Road Concord, Massachusetts 01742 MA
Citizenship USA
Post Office Address SAME

Full name of second joint inventor, if any *402-PP* James W. Young
Second Inventor's Signature *James W. Young* Date 1 March 90
Residence 295 Still River Road Still River, Massachusetts 01467 MA
Citizenship USA
Post Office Address SAME

Full name of third joint inventor, if any _____
Third Inventor's Signature _____ Date _____
Residence _____
Citizenship _____
Post Office Address _____

Full name of fourth joint inventor, if any _____
Fourth Inventor's Signature _____ Date _____
Residence _____
Citizenship _____
Post Office Address _____



Applicant or Trademarkee: Timothy J. Barberich and James W. Young

Attorney's

Docket No.: SPC89-05

Serial or Patent No.: 07/461,262

Filed or Issued: January 5, 1990

For: METHOD FOR TREATING ASTHMA USING OPTICALLY PURE R(-) ALBUTEROL

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- [] the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf
of the concern identified below:

NAME OF CONCERN Sepracor, Inc.

ADDRESS OF CONCERN 33 Locke Drive

Marlborough, MA 01752

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD FOR TREATING ASTHMA USING OPTICALLY PURE R(-)

ALBUTEROL by inventor(s) Timothy J. Barberich and

James W. Young

described in

[] the specification filed herewith

[X] application serial no. 07/461,262, filed January 5, 1990

[] patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Victor H. Woolley

TITLE OF PERSON OTHER THAN OWNER Vice President, Finance

ADDRESS OF PERSON SIGNING 33 Locke Drive, Marlborough, MA 01752

SIGNATURE Victor H. Woolley

DATE _____

COPY

Applicant or Patentee: Timothy J. Barberich

Attorney's

Serial or Patent No.: 07/461,262Docket No.: SPC89-05Filed or Issued: January 5, 1990For: METHOD FOR TREATING ASTHMA USING OPTICALLY PURE R(-) ALBUTEROLVERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN

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- an official of the small business concern empowered to act on behalf of the concern identified below:

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ALBUTEROL by inventor(s) Timothy J. Barberich andJames W. Young

described in

 the specification filed herewith application serial no. 07/461,262, filed January 5, 1990 patent no. _____, issued _____

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TITLE OF PERSON OTHER THAN OWNER Vice President, Finance

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SIGNATURE Victor H. Woolley

DATE _____